



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/765,835 | 01/19/2001 | Stuart Cheshire | 04860.P2596 | 9901 |

7590 07/26/2005

Tom Van Zandt
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

PATEL, NIKETA I

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2182

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,835

Applicant(s)

CHESHIRE, STUART

Examiner

Niketa I. Patel

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,14-20 and 23-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,14-20 and 23-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/16/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-11, 14-20 and 23-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus et al. U.S. patent number: 6,697,851 B1 (hereinafter "*Althaus*") and further in view of Pezutti U.S. Pat. Application Pub. No.: 2004/0249927 A1 (hereinafter "*Pezutti*".)

4. Referring to claims 1, 9-10, 18-19, 27, *Althaus* teaches a method, a device and a machine readable medium that provides executable instructions, implemented on a processing system, comprising: receiving a request for network configuration information from a client processing system [see *Althaus* column 1, lines 15-35 and column 5, lines 41-44]; sending network configuration information from a server processing system to the client processing

Art Unit: 2182

system using a Dynamic Host Configuration Protocol (“DHCP”) [see *Althaus* column 1, lines 15-35 and column 5, lines 41-44.] *Althaus* is silent regarding the limitations of the network configuration information having added to it, at least one of presentation information, or an address representative of said presentation information formatted in accordance with the DHCP, such that said presentation information is presented through the DHCP when the client processing system uses the network configuration information.

Pezutti teaches the above limitation of adding presentation information or an address representative of the presentation information in the network configuration information formatted in accordance with DHCP [see *Pezutti* paragraphs 0228, 0231, ‘FQDN,’ 0271, 0326-0328, 0338 – FQDN is an address representative of the presentation information] in order to provide ease of access and service quality services to customers, and revenue generation and operations savings services for network providers and service providers.

5. **Referring to claims 2, 11, 20**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the network configuration information is network initialization and wherein said presentation information is determined at least in part by said network configuration information [see *Pezutti* paragraphs 0326-0328, 0338 ‘FQDN’.]

6. **Referring to claims 5, 14, 23**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the presentation information causes text to be presented [see *Pezutti* paragraphs 0326-0328, 0338 ‘FQDN’.]

7. **Referring to claims 6, 15, 24**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the address representative of the presentation information includes a URL command [see *Pezutti* paragraphs 0326-0328, 0338 ‘FQDN’.]

Art Unit: 2182

8. **Referring to claims 7, 16, 25**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the URL command reference a web page [see *Pezutti* paragraphs 0326-0328, 0338 'FQDN'.]

9. **Referring to claims 8, 17, 26**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the presentation information causes text to be presented [see *Pezutti* paragraphs 0326-0328, 0338 'FQDN'] however is silent regarding wherein the web page contains commercial information.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well know in the computer art to get the advantage of providing commercial information on a web page to generate revenue. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the web page containing commercial information data to get this advantage.

10. **Referring to claim 28**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches automatically presenting said presentation information on the client processing system [see *Pezutti* paragraphs 0228, 0231, 'FQDN,' 0271, 0326-0328, 0338.]

11. **Referring to claim 29, 35, 40, 41, 42**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein said presentation information is automatically presented upon network initialization without any input action from a user or the client processing system [see *Pezutti* paragraphs 0228, 0231, 'FQDN,' 0271, 0326-0328, 0338.]

12. **Referring to claims 30, 36**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein said network initialization is not in response to a user input to access a web page [see *Pezutti* paragraphs 0228, 0231, 'FQDN,' 0271, 0326-0328, 0338.]

Art Unit: 2182

13. **Referring to claims 31, 37**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein said network initialization is not in response to a user input instructing an application program to access network [see *Pezutti* paragraphs 0228, 0231, 'FQDN,' 0271, 0326-0328, 0338.]

14. **Referring to claims 32, 38**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein said network initialization is preformed without a pending application request for network access [see *Pezutti* paragraphs 0228, 0231, 'FQDN,' 0271, 0326-0328, 0338.]

15. **Referring to claims 33, 39**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the network configuration information has added *to it* said presentation information [see *Pezutti* paragraphs 0228, 0231, 'FQDN,' 0271, 0326-0328, 0338.]

16. **Referring to claims 34, 43**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein said presentation information is automatically presented on the client processing system upon network initialization using the network configuration information [see column, lines.]

17. **Referring to claims 44-49**, teachings of *Althaus* as modified by the teachings of *Pezutti* teaches wherein the network configuration information comprises information to assign a network address to the client processing system [see *Althaus* column 9, lines 18-35 and *Pezutti* paragraph 0327.]

Response to Arguments

18. Applicant's arguments with respect to claims 1-2, 5-11, 14-20 and 23-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to:

- a. **Adding URL into a DHCP packet:** [RFC 2485 by S. Drach, Sun Microsystems.]

Paragraph 8: *This option specifies a list of URLs*, each pointing to a user authentication service that is capable of processing authentication requests encapsulated in the User Authentication Protocol (UAP). UAP servers can accept either HTTP 1.1 or SSLv3 connections. If the list includes a URL that does not contain a port component, the normal default port is assumed (i.e., port 80 for http and port 443 for https). If the list includes a URL that does not contain a path component, the path /uap is assumed.

- b. **Definition of FQDR:** [Newton's Telecom Dictionary by Harry Newton.] Fully Qualified Domain Name. An Internet term. The FQDN is the full site name of an Internet computer system, rather than just its hostname. A fully qualified domain name consists of a host and domain name, including top-level domain. For example, www.jabber.com is fully qualified domain name where www is the host, jabber is the second-level domain, and .com is the top-level domain. FQDN is used to locate a machine on a network.

- c. **Use of DHCP protocol to transmit configuration information:** [RFC 1541 by R. Droms, Bucknell University.] Abstract: the Dynamic Host Configuration Protocol (DHCP) provides a framework for passing configuration information to hosts on a

Art Unit: 2182

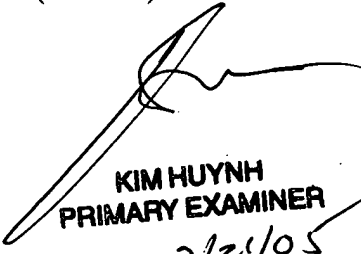
TCP/IP network. DHCP is based on the Bootstrap Protocol, adding the capability of automatic allocation of reusable network addresses and additional configuration options.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
07/20/2005


KIM HUYNH
PRIMARY EXAMINER
7/21/05